

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police - Certain demands/grievances of AP Swarnakar Sangham being experienced by goldsmiths during Police Cases for alleged purchase of gold etc. – Request for redress – Considered – Orders - Issued.

HOME (PSC) DEPARTMENT

G.O.Ms.No. 272

Dated:23 -05-2009

Read the following:

1. Representation from Sri M.S.Prakash, President and Sri K.Satyanarayana Chary, Genl.Secretary of A.P.Swarnakar Sangam, Warangal, dated 22-11-2008 with Note.No. 20552/M(Home) /2008, dated 22-11-2008
2. Govt.Memo.No.36767/PSC/ A1/2008, dated 01.12.2008.
3. Representation from the A.P.Swarnakar Sangam, Warangal, dated 22-11-2008 with Note.No. 21463/M(Home)/2008, dt 31-01-08
4. From the D.G.P.,A.P., Hyd., Lr. C. No.5/PRC-CID/2008-09, dated 3-2- 2009.
5. Govt.Memo.No.36767/PSC/ A1/2008, dated 06.02.2008.
6. From the D.G.P.,A.P., Hyd., Lr. C. No.5/PRC- CID/2008-09, dated 6.2.2009
7. From the Addl.D.G.P.,C.I.D., A.P., Hyd., Lr. C. No.5/PRC- CID/2008-2009, dated 16-2- 2009.
8. Concurrence of the CEO & E.O Prl.SEcY to Govt, G.A.(Elections) Department, dated: 7.4.2009.

ORDER:

In the references 1st and 3rd read above, the representatives of AP Swarnakar Sangham have put before the Government certain demands/problems being experienced by goldsmiths during Police cases for alleged purchase of gold etc., and requested for redressd. In this regard, a meeting was held on 13.2.2009 at 2.00 P.M with the representatives of AP Swarnakar Sangham and the concerned Police Officials. The problems being faced by gold smith in A.P., State have been discussed at length.

2. Government have examined the demands raised by the representatives of AP Swarnakar Sangham, during the course of the meeting, with reference to the existing rules and the reports received, vide references 4th, 6th and 7th read above, and taken the following decisions.

SL. NO	DEMAND	DECISION TAKEN
1	To hold a panchanama at the time of recovery of alleged stolen jewellery and to furnish copy of the same to the concerned.	Accepted as it is a legal requirement,
2	To give a receipt for the seized gold jewellery.	Accepted.
3	If the police recover the portion of the stolen jewellery also, they should issue panchanama at the time of seizure.	Accepted.

4	Police should ensure that the articles are restored to the complaint with out much delay in coordination with the course.	Police will represent to courts. Courts have to issue orders u/s 451 to 457 Cr.PC. the concerned Police should get requisition filed through victim / complainant in the court and the stolen articles deposited in the court to be restored the concerned.
5	Any alleged receiver should not be detained or arrested and should not be lodged in lockup.	Receiver of a stolen property is punishable u/s 411 IPC. Rules relating to arrested persons including Supreme Court (D.K. Basu) guidelines should be strictly followed. Action will be initiated against erring officials as per law. Human rights of receivers shall not be violated by anyone.
6	Police officials coming from district and other State should Compulsorily inform the local Police Station of their Visit in their concerned area. They should also record their seizure if any in the local Police Station.	Accepted. The procedure under Sec. 79 Cr.PC shall be followed. But in extra ordinary exceptional circumstances, Police may arrest the accused and seize the stolen property directly from him, if there is reason to believe that delay would be fatal.
7	To produce the concerned person before the court within 24 hours. Not to shift the concerned person from one Place to another to evade search warrant.	Procedure under section 57 Cr.P.C should be implemented and based on period of police custody, such person shall be produced before court fixed by it.
8	Any Gold recovered should be deposited into the Court with full particular of the number shape, weight etc., within 24 hours of recovery.	Depositing stolen property should be done as per rules.
9	If there is a middleman between the thief and the receiver he should also be involved. If the middleman is rich, the recovery must be made from the middle man or thief and recovery from the accused be made after the court convicts the accused.	The middleman should be prosecuted under section 414 IPC. (Assisting in concealment of stolen property)
10	A person who buys stolen gold, it in good faith should not be punished in two ways . He pays money for the gold purchased by him in good faith and he is also forced to pay Compensation.	Proper verification has to be made by any gold smith before buying and entries to be made in a register if the Inquiry Officer thinks it is just and proper he may examine purchaser as a

		witness and show the seizure of stolen property from him on being led by the accused.
11	If the jewellery has been melted by the goldsmith or dealer, then the police will recover articles of the similar nature and same weight. The Police should immediately perform panchanama for the articles seized at the time of seizure itself.	Ornament to ornament should be delivered by the receiver for seizure by the police under panchanama in which he is one of signatories and a copy of panchanama would be issued to the receiver for his reference on safety.
12	In case of making recovery of stolen property from a receiver at the instance of accused it should be made in the presence of exclusively before the Superintendent of Police of concerned district and member of Goldsmith/ Bullion Merchant Associations.	Help of the local SHO shall be taken and Association people shall be witnesses.
13	All the Police Officers be strictly instructed to adhere to provisions under Cr. P.C while Seizing gold Silver and gold/ silver ornaments and seek the co-operation of the Associations in detecting the cases of stolen properties after due investigation. Whenever any police officer wants to seize any gold of valuable articles he could seize it in the presence of two respectable mediators of one from the locality, and one from AP Swarnakarula Sangham or Bullion Merchants Association. The confessional statement should be recorded by a police officer not below the rank of Inspector, adhering to the procedure laid down in Sec.100 of Cr. P.C.	As SHOs are of SI/CI Rank, they are duty bound to follow the procedure of search and seizure as per Cr.PC & APPM.
14	In all important cases of theft robbery and dacoity, cases involving gold silver and gold/silver ornaments the District and the Commissioner of Police in Hyderabad city should communicate a list of ornaments involved in such cases to the concerned Association inviting their Co-operation in tracing the offenders.	Accepted. The list will be communicated to the association, if the list of office bearers is provided to Police Department by the association – district wise.
15	Issue of identity cards to Gold Smiths who are dealing in Gold ornaments, by Superintendents of Police / Commissioners of Police.	Association will issue identity cards to Gold Smiths and Local SHO will counter sign the identity card containing photo of gold smiths issued by association.

16	Half yearly / Annual meeting should be convened with state representatives at DGP level or any other officers proposed at State level as well as a meeting with district representatives should be convened by respective Superintendent of Police to review the problems faced by AP Swarnakarula Sangham in the welfare of their member	Annual meeting at State Level shall be held by ADGP, CID and Half yearly meeting at Unit level shall be held by Superintendents of Police / Commissioners of Police to meet ends of justice. Superintendents of Police / Commissioners of Police to invite the members during Half yearly meeting of their unit and clarify the doubts and issues, if any.
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3. Accordingly, Government hereby direct all the concerned Police Officials to strictly adhere to the above decisions. Any deviation will be viewed seriously.

4. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to see that the above orders are implemented scrupulously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
All the Superintendents of Police in the State.
All Commissioners of Police in the State.
Copy to:
All the District Collectors in the State.
The Additional Director General of Police, C.I.D.,
Andhra Pradesh, Hyderabad.
P.S to the Prl.Secy, Home Department.
The A.P.Swarnakar Sangam, H.No.10-6-51,
Girmajipet, Warangal – 506 002
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER